

PB# 85-64

Dr. George Benniger

19-4-59

85-64 —
Dr. George Benninger Site Plan
Addition to building

Approved 12/1/85
filed with Town Clerk
Jan. 14, 1986 SH.

General Receipt

7031

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

November 8, 1985

Received of Dr. George W. Pennington \$ 25.00

Twenty-five and 00/100 DOLLARS

For Site Plan #85-64

DISTRIBUTION

FUND-	CODE	AMOUNT
Check # 1898		25.00

By Pauline H. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt

7189

General Receipt

7031

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

November 8, 1985

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For Site Plan #85-64

DISTRIBUTION

FUND-	CODE	AMOUNT
Check # 1898		25.00

By Pauline H. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt

7189

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

January 3, 1986

Received of Bernick Architects + Planners \$ 100.00

One hundred and 00/100 DOLLARS

For Site Plan (Dr. George Penninger) #85-64

DISTRIBUTION

FUND	CODE	AMOUNT
Check # 1488		100.00

By Pauline H. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

85-64

Date Received 11/6/85
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid \$25 \$150

APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project George W. Benninger addition
2. Name of applicant George W. Benninger Phone 565-5020
Address 188 Quansack Avenue New Windsor, New York 12550
(Street No. & Name) (Post Office) (State) (Zip Code)
3. Owner of record Barbara & George Benninger Phone 534-2351
Address 223 Mountain Road Cornwall-on-Hudson, New York 12520
(Street No. & Name) (Post Office) (State) (Zip Code)
4. Name of person preparing plan Remick Architects Phone 562-5226
Address 34 RT 17N Newburgh, New York 12550
(Street No. & Name) (Post Office) (State) (Zip Code)
5. Attorney Stephen Duggan Phone 562-6560
Address Temple Hill Road New Windsor, New York 12550
(Street No. & Name) (Post Office) (State) (Zip Code)
6. Location: On the West Side side of Quansack Avenue
(Street)
— 35 — feet West side from Quansack Avenue
(direction)
of _____
(Street)
7. Acreage of parcel Approximately one acre
8. Zoning district Commercial (NC)
9. Tax map designation: Section 19 Block 4 Lot(s) 59
10. This application is for the use and construction of Addition to
existing building
11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? No If so, list case No. and Name _____
12. List all contiguous holdings in the same ownership
Section None Block _____ Lot(s) _____

FOR OFFICE USE ONLY:

Schedule _____ Column _____ Number _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION, CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

23rd day of October, 1985 Stephen P. Duggan III
Applicant's Signature

Stephen P. Duggan III
Notary Public Title Owners

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE }
STATE OF NEW YORK } SS.:

STEPHEN P. DUGGAN III
Notary Public Reg. No. 1038120
Orange County, New York
Commission expires 3/30/87

_____ being duly sworn, deposes and says that he resides
_____ in the
(Owner's Address)
county of _____ and State of _____
and that he is (the owner in fee) of _____ of the _____
(Official Title)
Corporation which is the owner in fee) of the premises described in the foregoing application
and that he has authorized _____ to make the fore-
going application for special use approval as described herein.

Sworn before me this.

_____ day of _____, 198_____
(Owner's Signature)

Notary Public

NEW WINDSOR PLANNING BOARD MEETING
TOWN HALL
WEDNESDAY, DECEMBER 11, 1985 7:30 P.M.

BOARD MEMBERS PRESENT: HENRY J. REYNS, CHAIRMAN
LAWRENCE JONES
HENRY VAN LEEUWEN
HENRY SCHEIBLE
DANIEL MCCARVILLE

BOARD MEMBERS ABSENT: CARL SCHIEFER & ERNEST SPIGNARDO

OTHERS PRESENT: JOSEPH RONES, PB ATTORNEY
PAUL V. CUOMO, PB ENGINEER
MICHAEL BABCOCK, BLDG. INSPECTOR
JOHN FINNEGAN, ZONING OFFICER
SHIRLEY B. HASSDENTEUFEL, SECY.

tape 354 and 355

Chairman Reynolds called the meeting to order promptly at 7:30 P.M.
and presided over same.

Secretary called the roll.

Minutes -

Motion by Lawrence Jones seconded by Dan McCarville
that the Planning Board of the Town of New Windsor
approve the minutes of the November 27, 1985 meeting
as written.

Roll call: All Ayes, No Nays (6-0)

#1 on the agenda: Dr. George Benninger Site Plan
Route 94 Quassaick Avenue
represented by Mr. Roy Thompson

Mr. Thompson: I have done what the Planning Board asked me
to do.

In the lower left corner is agreement with Dr. Benninger and
a couple people. They will utilize the driveway.

Chairman Reynolds: Right a way and right for these people to
use the driveway. I would ask if a portion of the road
was going to be fixed, who is going to fix it?

Mr. Thompson: Dr. Benninger will add funds for a portion.
The damage was also done by the sewer lines.

Mr. Cuomo: As times goes on it wore out. We have to maintain it to
get a truck through.

Dr. Benninger: Since 1972 when I rented the property from
Dr. O'Leary water has run down and ruts were put in the
road by it. I hired Argenio to fix it and put in paving.
I was pleased for it lasted one and one half (1½) years.
Then the sewer came in and it was torn up. The pavement
broke up. We are in need of some repair. I am willing
to share. I did it alone before because I elected to do it. As
far as a maintenance agreement I don't know. As I said
I am willing to share.

I did it before alone before because I elected to do it as I said.

Mr. Scheible: Who is the owner of the road?

Dr. Benninger: Farina.

Mr. Scheible: We are back where we were two (2) weeks ago.

Dr. Benniner: My Attorney drew up documents.

Mr. James Nugent: There is no owner. As sold off it was deeded. I own the property on the left.

Mr. Keeler: It is a 40 ft. highway or street. I own property there too.

Mr. Scheible: I see nothing wrong with it. I just wanted to make sure who was responsible for the pot holes. Dr. Benninger shouldn't be responsible for it all.

Chairman Reynolds: Our interest would it be on the plan?

Dr. Benninger: I would be interested in a maintenance agreement. I am willing to put in my share. I don't think it is fair to hold me up if there is no one else but me. I drive over those pot holes every day.

Chairman Reynolds: We might put a statement on here for a maintenance agreement.

Mr. Scheible: Would you fellas be willing to work with Dr. Benninger on this?

Mr. Cuomo: There is an unknown owner.

Atty. Rones: It doesn't provide for any maintenance agreement. The individual owners could pave as seen fit.

Mr. McCarville: I feel we shouldn't ask Dr. Benninger to maintain alone.

Dr. Benninger: I have never gone on that road since 1972 beyond my property.

Motion by Henry Van Leeuwen seconded by Daniel McCarville that the Planning Board of the Town of New Windsor approve Dr. Benninger Site Plan located on Quassaick Avenue (Route 94) with the understanding an agreement will be sought to maintain private drive. (a time limit of 60 days.)

Roll call: ALL AYES, NO NAYS. MOTION APPROVED.
Site plan fee \$100.00.

Mr. Nugent: The State has been doing pot hole repairs.

Dr. Benninger: I paid Al Cherry to repair the pot holes. I will speak to the two gentlemen here about maintaining

Mr. Scheible: If Dr. Benninger and the others could come up with some kind of an agreement.

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval ✓
Subdivision _____ as submitted by
Rennick for the (building) or subdivision of
Dr. George Benninger M.D. has been
reviewed by me and is approved ✓,
disapproved _____.

If disapproved, please list reason.

Any additional Taps in the main sewer line
shall require a saddle, and shall be at the
expense of the contractor.

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lynn H. Masten Jr.
SANITARY SUPERINTENDENT

November 6, 1985
DATE

Not in title policy
AGREEMENT

33-157X

DEC 6 1985

REMICK ARCHITECTS
& PLANNERS

This indenture made and entered into this 24th day of January, 1979, between WILLIAM F. KEELER, also known as William Keeler, and EILEEN KEELER, husband and wife, both residing at 192 Quassaick Avenue, Town of New Windsor, Orange County, New York, MILDRED ANN NUGENT, also known as Mildred Nugent, as surviving Joint tenant of James Nugent, residing at 194 Quassaick Avenue, Town of New Windsor, Orange County, New York, FLORENCE FAVINO, as surviving joint tenant of Patrick G. Favino, residing at 7A Sloane Road, Balmville, Orange County, New York, LULU CONGIGLERE, as surviving joint tenant of Samuel Congiglere, residing at 196 Quassaick Avenue, Town of New Windsor, Orange County, New York, and ROBERT PISACONA, with a place of business

RECEIVED PAGE 1

at "Mike & Lenny's Windsor Inn", (no number) Quassaick Avenue, Town of New Windsor, Orange County, New York, hereinafter designated as the parties of the first part, and ARTHUR G. O'LEARY and CATHERINE M. O'LEARY, residing at 15 Clintonwood Drive, Town of New Windsor, Orange County, New York, hereinafter designated as the parties of the second part:

WHEREAS, the parties of the first part are the present owners of properties which are adjacent to a right-of-way approximately 40 feet in width which leads onto Quassaick Avenue in the Town of New Windsor, Orange County, New York, a portion of which is described in a deed from Mildred Ann Nugent to Arthur G. O'Leary and Catherine M. O'Leary dated August 9, 1965 and recorded in the Orange County Clerk's Office on August 11, 1965 in Liber 1721 of Deeds at Page 471, and

WHEREAS, the parties of the second part, or their heirs, distributees, lessees, successors and assigns may elect to subdivide the property owned by them and known as 188-190 Quassaick Avenue, New Windsor, Orange County, New York, which

is a vacant parcel.

premises were conveyed to them by Mildred Ann Nugent by a deed dated August 9, 1965 and recorded in the Orange County Clerk's Office on August 11, 1965 in Liber 1721 of Deeds at Page 471, and

WHEREAS, in the event said property is in the future subdivided, access to Quassaick Avenue in the Town of New Windsor, Orange County, New York, will be necessary.

W I T N E S S E T H :

That the parties of the first part in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, lawful money of the United States of America to them in hand paid by the parties of the second part, do hereby grant unto the parties of the second part, their heirs,

distributees, lessees, successors, and assigns, in the event the property presently owned by the parties of the second part as conveyed to them by Mildred Ann Nugent by a deed dated August 9, 1975 and recorded in the Orange County Clerk's Office on August 11, 1975, in Liber 1721 of Deeds at Page 471 is subdivided in the future, a right-of-way and easement for all purposes of ingress and egress over the right-of-way and easement, a portion of which is described in the aforementioned deed dated August 9, 1975 and recorded in the Orange County Clerk's Office on August 11, 1975, in Liber 1721 of Deeds at Page 471, to the properties that may be subdivided in the future out of the premises described in the previously recited deed

Each owner of the lands so subdivided shall have access for ingress and egress for all purposes over the previously described private right-of-way and easement for all purposes including the installation of a driveway, the installation of utilities including but not limited to drainage, water, sewer, gas pipes, telephone, cable T.V., power lines, poles and any other public utility or improvement purpose.

LIBER 21, PAGE 1110

The parties of the second part will have the right to use said right-of-way the entire width of the boundary line of the property presently owned by them which is adjacent to the existing right-of-way and previously described in this agreement.

This agreement shall run with the land and apply to and bind the parties of the first part and the parties of the second part, their heirs, distributees, lessees, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto for themselves and their heirs, distributees, lessees, successors, and assigns set their hands and seals the day and year first above written.

William F. Keeler a/k/a William Keeler
William F. Keeler a/k/a William Keeler

Eileen Keeler
Eileen Keeler

Mildred Ann Nugent Mildred Nugent
Mildred Ann Nugent a/k/a Mildred Nugent

Florence Favino
Florence Favino

Lulu Congiglere
Lulu Congiglere

Robert Pisacona
Robert Pisacona

Arthur G. O'Leary
Arthur G. O'Leary

Catherine M. O'Leary
Catherine M. O'Leary

Windsor Not our like policy
Cannedy

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DEC 6 1985

Patricia Cannito, - Pollicello Drive, Marlboro, MA
formerly known as

REYNICK ARCHITECTS
& PLANNERS

Patricia Favino, individually
and as surviving joint tenant
of, and as sole surviving
distributee and Administratrix
of, Florence Favino

Lulu Congiglere, as surviving - 196 Quassaick Avenue, New Windsor,
New York
tenant by the entirety of

Samuel S. Congiglere

Julianna Farina - 485 Weber Avenue, Louiston, Maine

Robert Pisacona - Stonecrest Drive, New Windsor, New York

Mildred Nugent, as surviving - 192 Quassaick Avenue, New Windsor,
New York
tenant by the entirety of

James E. Nugent, also known as,

Mildred Ann Nugent

George W. Benniger and - 199 Quassaick Avenue, New Windsor, New York

Barbara F. Benniger, his wife

William F. Keeler and - Quassaick Avenue, New Windsor, New York

Eileen Keeler, his wife,

hereinafter designated as

the parties of the first part

with

James E. Nugent, Jr. and - 13 St. Joseph's Place, New Windsor, New York

Kathleen J. Nugent, his wife,

hereinafter designated as the

parties of the second part

WHEREAS, the parties of the first part are the present owners of properties which are adjacent to a right-of-way, approximately 40 feet in width, which leads onto Quassaick Avenue in the Town of New Windsor, Orange County, New York, a portion of which is described in a certain survey prepared in June of 1981 by A. Blachishin and Associates, P.C., Consulting

STERN, MARGARET,
AND LEVINE, P. C.
SOLICITORS AT LAW
LIBERTY STREET
NEW YORK, N.Y.

2214 865

Engineers and Land Surveyors, an rights-of-way A, B, C, D & E, which survey is entitled "Survey of Land of the Estate of Florence Favino, Portion of Liber 1003 of Deeds, Page 30, To Be Conveyed to James E. Nugent, Jr. and Kathleen J. Nugent, Town of New Windsor, Orange County, New York 1.880 Acres", and which survey was filed in the Orange County Clerk's Office as Map No. 5632 on July 7th, 1981.

WHEREAS, the parties of the second part heretofore or hereafter may acquire title to one or more premises which are served by all or portions of the said rights-of-way, and

WHEREAS, the parties of the second part desire for their benefit and for the benefit of their heirs, distributees, lessees, successors and assigns to unambiguously state of record the extent of said rights in said rights-of-way.

NOW, therefore the parties agree as follows:

W I T N E S S E T H :

That the parties of the first part in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, lawful money of the United States of America to them in hand paid by the parties of the second part, do hereby grant unto the parties of the second part, their heirs, distributees, lessees, successors, and assigns a right-of-way and easement in common with others for purposes of ingress to and egress from the premises described as a 1.880 acre parcel referred to in the above said Map No. 5632, and referred to thereon as rights-of-way A, B, C, and D, as well as to and from any other premises to which the parties of the second part may heretofore or hereafter acquire title which are served by all or portions of the said rights-of-way.

In addition, the parties of the second part shall be granted an easement over, under and through the said rights-of-way for purposes of installing and maintaining a drive-way and installing and maintaining utilities, including but not limited to drainage, water, sewer, gas mains and pipes, telephone,

electric power lines and poles, and any other public utility for improvement purposes.

The parties of the second part as further considered of the foregoing, do hereby grant onto the parties of the first part and their heirs, distributees, lessees, successors and assigns, who may have an interest in all or any portion of the right-of-way E as shown on said Map No. 5632 any corresponding rights in said right-of-way E, so that the parties of the first part shall have the benefit of the same rights in right-of-way E that the parties of the second part have in rights-of-way A, B, C and D.

This agreement shall run with the land and shall apply to and bind all of the parties hereto, and their heirs distributees, lessees, successors and assigns and in addition shall run in favor of all parties who in the future may acquire title to all or portions of the lands to which the parties of the second part heretofore and hereafter acquire title which are served by all or portions of the said rights-of-way.

mortgage

Mortgage

mount:

ev. 6-69

ANDERSON, MAUNIELLO,
KAPLAN AND LEVINE, P.C.
ATTORNEYS AT LAW
100 LIBERTY STREET
NEW YORK 10001

Patricia Caserto
Patricia Caserto
Lulu Congigliere

01. Juliana Farina P.O. St.
Juliana Farina
Lulu Congigliere ATTORNEY
IN FACT

Juliana Farina
Juliana Farina

Robert Pisacona
Robert Pisacona

Mildred Nugent
Mildred Nugent

G. W. Benniger
George W. Benniger

Barbara F. Benniger
Barbara F. Benniger

William F. Keeler
William F. Keeler

Eileen Keeler
Eileen Keeler

James E. Nugent, Jr.
James E. Nugent, Jr.

Kathleen J. Nugent
Kathleen J. Nugent

AS IN ORIGINAL

2214 PG 689

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REMICK ARCHITECTS
& PLANNERS

In title policy

For Reference

R. and S. Deed with C.A.G.

and Lien Covenant

Dated March 12, 1943

Cons. \$10.00 eto.

Ack. March 12, 1943

Rec. March 13, 1943

Book 903 Page 211

Adeline Favino

Patrick G. Favino

Mildred Favino Nugent

Anthony J. Favino

James F. Favino

to

James F. Favino

Conveys:

All that certain lot, piece or parcel of land situate lying and being in the Town of New Windsor, County of Orange and State of New York more particularly bounded and described as follows pursuant to survey thereof made by Charles R. Woodhull dated March 25, 1942.

Beginning at the intersection of the northwesterly line of Quassaick Avenue with the center line of a proposed street 40 feet wide and runs thence along the center line of said proposed street North 50 degrees 32 1/2 minutes West 346.5 feet; thence still along the center line of said proposed street North 84 degrees 23 minutes West 119.41 feet; thence still along the center line of said proposed street and continuing beyond the end thereof North 51 degrees 37 1/2 minutes West 346.11 feet to lands of St. Francis Cemetery; thence along lands of St. Francis Cemetery South 39 degrees 11 1/2 minutes West 20 feet; thence still along lands of St. Francis Cemetery South 6 degrees 8 1/2 minutes East 189 feet; thence South 51 degrees 22 minutes East 637.43 feet to the Northwest line of Quassaick Avenue; thence along the North west line of Quassaick Avenue North 44 degrees 33 minutes East 216.95 feet to the place of beginning.

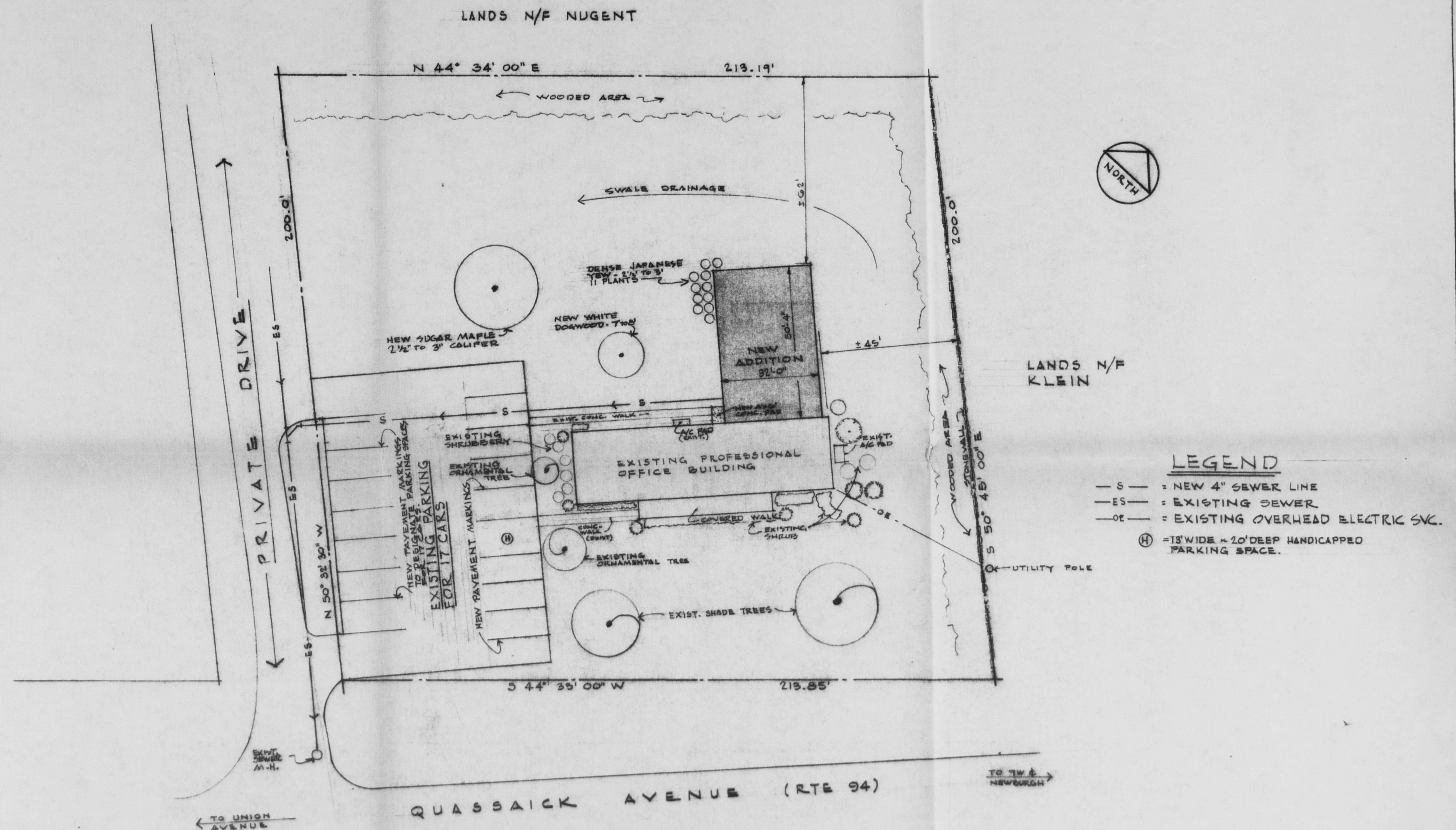
Subject to the right of the owners of other premises along said proposed street to the use thereof for all street purposes over the northeasterly 20 feet of premises herein described, and together with the right to the use of said street in common with said owners of other premises abutting thereon.

Being a portion of the premises conveyed by Svend W. Petersen and Helen Petersen, his wife to Joseph Favino and Frances Favino, his wife, by deed dated August 30th, 1927 and recorded in the Office of the Clerk of the County of Orange on September 2nd, 1927, in Liber 678 of Deeds, at page 505, the said Frances Favino having died January 21, 1934, and the said Joseph Favino, having died October 30, 1938, intestate and survived by Adeline Favino, Patrick G. Favino, Mildred Favino Nugent, Anthony J. Favino and James F. Favino as his only distributees.

ZONING INFORMATION (NC ZONE, COL. A, USE #6 - BULK REG GROUP "AA")		
	REQUIRED	PROVIDED
MINIMUM SITE	10,000 SQ. FT.	42,536 SQ. FT. ±
MINIMUM WIDTH	100 FT.	213 FT.
SETBACK FRONT	40 FT.	58 FT.
REAR	15 FT.	62 FT.
SIDE	15/35 FT.	32/127 FT.
FLOOR AREA RATIO	1.0	0.09
MAXIMUM HT.	2 STORY MAX.	1 STORY

SECTION - 19
BLOCK - 4
LOT - 59

PARKING
REQUIRED - 14 CARS
PROVIDED - 17 CARS



SITE PLAN SCALE - 1" = 20'-0"

SURVEY INFORMATION OBTAINED FROM SURVEY
DATED NOV. 10, 1978 BY WASHBURN ASSOCIATES,
CENTRAL VALLEY, N.Y.

Site Plan APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON 12-11-85
BY *Henry F. Scheidt*
HENRY F. SCHEIDT
SECRETARY

ADDITION TO THE OFFICE OF
DR. GEORGE BENNINGER, MD

DEMICK, ARCHITECTS & PLANNERS
24 ROUTE 17K NEWBURGH, N.Y.

REV: 10 DEC 89 - ADDED PUNT. MARKS.
REV: 12 NOV 85 (ADDED SEC.)
DATE: 29 OCT 85

DWG. NO. 1